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60,469-255
PA-000,05304-US**REMARKS**

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. The amendments to claims 1-23 are purely clerical in nature for deleting the reference numerals from the claims. No changes to the claims have anything to do with any of the rejections in the Office Action. A new claim 24 is presented. Applicant respectfully requests reconsideration of this application.

The rejection of Claims 1-6 under 35 U.S.C. §103 based upon the *Hara* and *Fargo* references must be withdrawn.

The *Fargo* reference (U.S. Patent No. 6,997,302) would only qualify as prior art, if at all, against this application under 35 U.S.C. §102(e). This application has a priority filing date of October 29, 2003 as it is the U.S. national phase of the PCT Application US03/34258. The subject matter of the *Fargo* reference and the claimed invention of this application were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. This application and the *Fargo* reference are co-owned by Otis Elevator Company. According to 35 U.S.C. §103(c)(1) the *Fargo* reference cannot be used in a combination under 35 U.S.C. §103 against any of the claims of this application. Therefore, the rejection of claims 1-6 must be withdrawn.

The rejection of Claims 13, 14, 18 and 19 under 35 U.S.C. §103 based upon the *Hara*, *Bower* and *Fargo* references must be withdrawn.

As just explained, the *Fargo* reference cannot be used in a combination under 35 U.S.C. §103 against any of the claims of this application. Therefore, the rejection of claims 13, 14, 18 and 19 must be withdrawn.

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**The rejection of Claims 7, 8, 15-17 and 20 based upon
Hara combined with Bower does not establish a *prima*
facie case of obviousness and should be withdrawn.**

The Examiner contends that the *Bower* reference "teaches a monitor device 23 associated with selected ones of the wheels 2, 3 that provides an indication of relative rotation between the selected wheels." The Examiner refers to column 2, lines 61-65 of the *Bower* reference to support this. The *Bower* reference is absent of any teaching of a monitor device that provides an indication of relative rotation between the wheels 2, 3 (or between any other two wheels in that reference for that matter). Without such a monitor device in the *Bower* reference, there is no *prima facie* case of obviousness because one of the elements that the Examiner contends is present within the proposed combination is missing. Instead of providing an indication of any relative rotation between the return rollers 2, 3 of the *Bower* reference, the control unit 23 is used for controlling the engagement of wet clutches associated with the master unit 7 and the slave units 8-10 and 14 and 15 of the *Bower* reference.

Additionally, the combination of *Hara* and *Bower* cannot be made. There is no usefulness for the control unit 23 of the *Bower* reference within the context of the *Hara* reference. As already mentioned, the control unit 23 is included in the *Bower* reference to control the activation of wet clutches for timing the activation of the master and slave drive units. There is no use for wet clutches within the *Hara* reference and no use for such a control unit in the *Hara* reference. Accordingly, the control unit 23 of the *Bower* reference has no usefulness in the context of the *Hara* reference. Where a proposed combination does not provide any benefit in the context of the primary reference or does not provide any useful effect, there is no *prima facie* case of obviousness and the combination cannot be made.

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There is no *prima facie* case of obviousness against any of claims 7, 8, 15-17 or 20 and the rejection must be withdrawn.

The rejection of Claims 9-12 under 35 U.S.C. §103 based upon *Hara*, *Bower* and *Reinsma* does not establish a *prima facie* case of obviousness and must be withdrawn.

This rejection should be withdrawn for the same reasons mentioned above because the *Bower* reference does not teach a monitor device that provides an indication of relative rotation as suggested by the Examiner in the Office Action. For that reason alone, there is no *prima facie* case of obviousness.

Additionally, the *Reinsma* reference does not teach what the Examiner contends. The bushings 22 in the *Reinsma* reference are used for connecting the links 17 of the track chain 14. There is nothing about the bushings 22 in the *Reinsma* reference that provides any cooperation between them to cause axial movement of at least one of them responsive to relative rotation between them. Nothing in column 2, lines 55-60, suggests that in any way. In order for there to be any axial movement of one of the bushings 22 in the *Reinsma* reference, that would require movement into or out of the page according to the drawings. There is nothing about how the bushings 22 operate that in any way corresponds to what the Examiner is attributing to the reference. Therefore, even if the proposed combination of references could be made, it does not provide the results provided by the Examiner and there is no *prima facie* case of obviousness.

For the same reasons mentioned above, the *Hara* and *Bower* references cannot be combined. Additionally, the *Reinsma* reference cannot be combined with the other two even if they could be combined in the first instance. The bushings 22 of the *Reinsma* reference are used for connecting links of a track chain that is used for a track type vehicle (e.g., the type of track used for driving a bulldozer on a construction site). A track chain of the type in the *Reinsma*

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reference is non-analogous art to the conveyor of the *Hara* or *Bower* references. Therefore, the teachings of the *Reinsma* reference cannot be combined with the teachings of the *Hara* or *Bower* references (even assuming that the latter two could be combined, which they cannot). The proposed combination of *Hara*, *Bower* and *Reinsma* cannot be made and there is no *prima facie* case of obviousness.


Conclusion

This case is in condition for allowance. There is not a *prima facie* case of obviousness against any one of Applicant's claims. If the Examiner believes that a telephone conference would be useful to move this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicted below.

Applicant believes that additional fees in the amount of \$50.00 are required for one claim in excess of twenty. A Credit Card Authorization Form is attached. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

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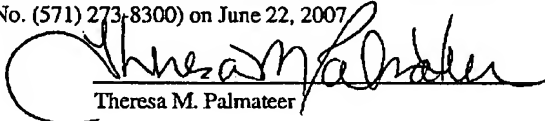
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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/569,169, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on June 22, 2007.


Theresa M. Palmateer

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